UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN

COOK LOGISTICS, LLC, a Wisconsin limited liability company, individually and as assignee of HITEC POWER PROTECTION, INC.,

Plaintiff,

V.

Case No. 2:19-cv-1620

EQUIPMENT EXPRESS, INC., a Canadian corporation,

Defendant.

DECLARATION OF THOMAS J. COOK

THOMAS J. COOK, under penalty of perjury, does hereby affirm:

- 1. I am over the age of 18, and I have personal knowledge of the matters set forth herein.
- 2. I am the owner and President of Cook Logistics, LLC ("Cook") and have been owner/President of Cook during all times relevant to this litigation.
- 3. On or about January 30, 2018, Cook entered into a Broker-Carrier Agreement ("BCS") with Equipment Express, Inc ("EEI"). A true and correct copy of the BCA was attached to Cook's Complaint in this matter.
- 4. Prior to the execution of the BCA, EEI sent a "carrier packet" to Cook, in Wisconsin, in order to allow Cook to properly vet EEI before entering into the BCA.
- Although EEI apparently signed the BCA in Canada, the agreement was not finalized until EEI returned the signed BCA to Cook in Wisconsin.
- 6. As part of the BCA, EEI designated Cook as its agent to solicit transportation business from Cook's principal place of business in Delavan, Wisconsin.

- 7. When Cook would find transportation business for EEI, Cook would communicate such leads to EEI from Wisconsin.
- 8. In order to get paid for transportation performed according to the BCA, EEI had to send its invoices, along with bills of lading and delivery receipts showing proper delivery of the goods transported, to Cook's principal place of business in Delavan, Wisconsin.
- 9. Cook would collect freight charges on behalf of EEI from Cook's place of business in Delavan, Wisconsin. Upon receipt of the freight charges from the shipper(s) and the required paperwork from EEI, Cook would then issue payments to EEI from Cook's principal place of business in Delavan, Wisconsin.
- 10. Pursuant to the terms of the BCA, EEI submitted a number of invoices to Cook at Cook's principal place of business in Delavan, Wisconsin, copies of which are attached hereto, including:
 - i. Invoice I021031, dated April 18, 2018, regarding a shipment originating in Harrow, Ontario and delivered to Jacksonville, Florida;
 - ii. Invoice I021032, dated April 18, 2018, regarding a shipment originating in Harrow, Ontario and delivered to Jacksonville, Florida;
 - iii. Invoice I032761, dated February 13, 2019, regarding a shipment originating in Hamilton, Ontario and delivered to Redmond, Washington;
 - iv. Invoice I032762, dated February 13, 2019, regarding a shipment originating in Hamilton, Ontario and delivered to Redmond, Washington;
 - v. Invoice I032763, dated February 13, 2019, regarding a shipment originating in Hamilton, Ontario and delivered to Redmond, Washington;

vi. Invoice I032743, dated February 14, 2019, regarding a shipment originating

in Hamilton, Ontario and delivered to Redmond, Washington;

vii. Invoice I032732, dated February 15, 2019, regarding a shipment originating

in Hamilton, Ontario and delivered to Redmond, Washington.

11. All of the above-referenced invoices were sent to Cook at Cook's principal place of

business in Delavan, Wisconsin.

12. Cook issued payment on Invoices I021031 and I021032 via wire transfer initiated in

Wisconsin.

13. When the cargo that is the subject of this litigation arrived in Redmond, Washington

damaged, Cook's customer - HITEC Power Protection, Inc. ("HITEC") - submitted a

claim for loss/damage to Cook at Cook's principal place of business in Wisconsin.

This Declaration was signed in the State of Wisconsin.

Pursuant to 28 U.S.C. 1746(2), I declare under penalty of perjury that the foregoing is true and

correct.

Date: April 24, 2020

Thomas J. Cook



INVOICE

60 Wanless Court, Ayr, Ontario NOB 1E0 (519) 740-8008 (519) 740-6297 (800) 387-9791

COOK LOGISTICS LLC W7377 COUNTY ROAD A

DELAVAN, WI

53115

INVOICE NUMBER

INVOICE DATE

I031031

Apr 18, 2018

ACCOUNT CODE

COO001

ORDER NO.	R038919	P.O. NO.			TERMS	DUE ON I	RECEIPT
		QUOTE NO.			EQUIPMENT		
PROBILL #	P042060						
SHIPPED	03/26/2018	P/U NO.		RECEIVED	04/05/2018	DEL NO.	BOOKING #CAT356385
PICK UP	ENERQUEST S 360 QUEEN ST HARROW, ON	TREET		DELIVER	CROWLEY LINER 1150 TALLEYRANI JACKSONVILLE, F	D AVE	
SHIPPER	Same as Picku	p Location		CONSIGNEE	Same as Delivery	Location	
B.O.L. #'s		FREIGHT DES	SCRIPTION		FREIGHT QUANTITY\WEIGHT		
UNIT #2 EE BOL # 442	220	E HOUSE (BA 47'L. 13'10"W	ASE FUELTANK, RADIATOR & /. 11'7"H	CHILLER)	1 pcs, 95000 lbs		

C	01	n	m	er	its	5

Probill No.	Charge Description	Charges
	TRANSPORT CHARGE	\$35,500.00
	EXCESSIVE LOADING (8 @ \$125.00)	\$1,000.00
	APPOINTMENT NOT TILL THURSDAY APR 5TH (8 @ \$125.00)	\$1,000.00

 Sub-Total
 \$37,500.00

 Amount Due in USD Funds
 \$37,500.00



INVOICE

60 Wanless Court, Ayr, Ontario N0B 1E0 (519) 740-8008 (519) 740-6297 (800) 387-9791

INVOICE NUMBER

INVOICE DATE

COOK LOGISTICS LLC W7377 COUNTY ROAD A DELAVAN, WI 53115 **I031032**

Apr 18, 2018

\$44,900.00

ACCOUNT CODE

CO0001

ORDER NO.	R038920	P.O. NO.			TERMS	DUE ON F	RECEIPT
		QUOTE NO.			EQUIPMENT		
PROBILL #	P042061						
SHIPPED	03/26/2018	P/U NO.		RECEIVED	04/05/2018	DEL NO.	TBC
PICK UP	ENERQUEST S 360 QUEEN ST HARROW, ON	TREET		DELIVER	CROWLEY LINER : 1150 TALLEYRANI JACKSONVILLE, F	D AVE	
SHIPPER	Same as Picku	p Location		CONSIGNEE	Same as Delivery	Location	
B.O.L. #'s	FREIGHT DESCRIPTION		SCRIPTION		FREIGHT QUANTITY\WEIGHT		
UNIT #1 EE BOL # 342	289	GENERATOR 39'4"L. 13'8"\	& SWITCHGEAR ENCLOSURE N. 12'H	(E-HOUSE)	1 pcs, 115000 lbs		

Comments

Probill No.	Charge Description		Charges
	TRANSPORT CHARGE (FROST)		\$41,500.00
	EXCESSIVE LOADING (8 @ \$125.00)		\$1,000.00
	SHRINK WRAP FELL OFF, RETURN FOR REDO AND TARP (8	@ \$175.00)	\$1,400.00
	EXCESSIVE OFF LOAD (8 @ \$125.00)		\$1,000.00
		Sub-Total	\$44,900.00

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Amount Due in USD Funds



60 Wanless Court, Ayr, Ontario N0B 1E0 (519) 740-8008 (519) 740-6297 (800) 387-9791

INVOICE

INVOICE DATE

INVOICE NUMBER

1032733 Feb 13, 2019 COOK LOGISTICS LLC W7377 COUNTY ROAD A ACCOUNT CODE DELAVAN, WI 53115 ORDER NO. **TERMS** R041133 P.O. NO. DUE ON RECEIPT QUOTE NO. **EQUIPMENT** PROBILL # P044468 SHIPPED 02/13/2019 RECEIVED 02/25/2019 DEL NO. P/U NO. PICK UP **AVL MANUFACTURING DELIVER** AT & T SERVICES 243 QUEEN STREET NORTH 14560 NE 87TH STREET HAMILTON, ON L8R 3N6 REDMOND, WA 98052 Same as Delivery Location SHIPPER Same as Pickup Location CONSIGNEE B.O.L. #'s FREIGHT QUANTITY\WEIGHT FREIGHT DESCRIPTION EE BOL # 41285 ENCLOSURE RADIATOR FRAMES (3 PCS) 1 skids, 18000 lbs 20'-0" X 9'-0" X 2'-0" AESTHETIC SCREENING (3 PCS) 1 skids, 3900 lbs 20'-0" X 10'-0" X 1'-0" 2 skids, 1500 lbs MISC ITEMS OF ACCESSORIES Comments Charges **Charge Description** Probill No. \$15,800.00 TRANSPORT CHARGE P044468 \$15,800.00 Sub-Total Amount Due in CAD Funds \$15,800.00



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INVOICE

INVOICE NUMBER

INVOICE DATE

COOK LOGISTICS LLC W7377 COUNTY ROAD A DELAVAN, WI

53115

I032762

Feb 13, 2019

ACCOUNT CODE

COO002

Probill No. P044421	TRANSPO	Description DRT CHARGE GO DAYS DUE TO SNOW (2 @		Sub-Total		Charges \$48,000.00 \$1,500.00 \$49,500.00
	TRANSPO	ORT CHARGE	② \$750.00)			\$48,000.00
Probill No.	Charge I	Description				Chauss
EE BOL # 472	243	ENCLOSURE TANK BASE WITH (GENSET	1 pcs, 90000 lbs		
B.O.L. #'s		FREIGHT DESCRIPTION		FREIGHT QUANT	A STATE OF THE PARTY OF THE PAR	5 () - 1 () () () () () () () () () (
SHIPPER	Same as Pickı	up Location	CONSIGNEE	Same as Delivery Location		
PICK UP	AVL MANUFA 243 QUEEN S HAMILTON, C	TREET NORTH	DELIVER	AT & T SERVICE 14560 NE 87TH REDMOND, WA	STREET	
DICK UD	02/13/2019	P/U NO.	RECEIVED	03/01/2019	DEL NO.	
SHIPPED	P044421					9.200
		QUOTE NO.		TERMS EQUIPMENT	DUE ON RECEIPT	



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INVOICE

INVOICE NUMBER

INVOICE DATE

COOK LOGISTICS LLC
W7377 COUNTY ROAD A

I032743

DELAVAN, WI

53115

Feb 14, 2019

ACCOUNT CODE

COO002

Probill No. P044422	TRANSPO	Description DRT CHARGE VE LOADING		Sub-Total		Charge \$29,500.00 \$500.00 \$30,000.0
	TRANSPO	ORT CHARGE				\$29,500.00
						
Comments						
EE BOL # 425	507	DRUPS ENCLOSURE 47'-0" X 11'-0" X 13'		1 pcs, 2500	0 lbs	
3.O.L. #'s FREIGHT DESCRIPTION		TON	FREIGHT Q	FREIGHT QUANTITY\WEIGHT		
SHIPPER	Same as Pick	up Location	CONS	IGNEE Same as De	Same as Delivery Location	
PICK UP	AVL MANUFA 243 QUEEN S HAMILTON, C	TREET NORTH	DELIV		7TH STREET	
SHIPPED	02/14/2019	P/U NO.	RECE	(VED 03/04/2019	DEL NO.	
	P044422			***		AMERICAN INCOMES AND ASSESSMENT OF THE PARTY
PROBILL #		QUOTE NO.		TERMS EQUIPMEN	DUE ON RECEIPT	
ORDER NO. PROBILL #	R041092	P.O. NO.				



60 Wanless Court, Ayr, Ontario NOB 1E0 (519) 740-8008 (519) 740-6297 (800) 387-9791

INVOICE

INVOICE DATE

INVOICE NUMBER

I032732 Feb 15, 2019 COOK LOGISTICS LLC W7377 COUNTY ROAD A ACCOUNT CODE DELAVAN, WI 53115 ORDER NO. R041132 P.O. NO. **TERMS** DUE ON RECEIPT QUOTE NO. **EQUIPMENT** PROBILL # P044466 SHIPPED DEL NO. 02/15/2019 P/U NO. RECEIVED 02/25/2019 PICK UP AVL MANUFACTURING. DELIVER AT & T SERVICES 243 QUEEN STREET NORTH 14560 NE 87TH STREET HAMILTON, ON L8R 3N6 REDMOND, WA 98052 SHIPPER Same as Pickup Location CONSIGNEE Same as Delivery Location B.O.L. #'s FREIGHT DESCRIPTION FREIGHT QUANTITY\WEIGHT EE BOL # 46556 RADIATOR # 2 12'-0" X 11'-0" X 9'-5" 1 pcs, 6098 lbs DISCHARGE FRAMES # 1 AND # 2 2 pcs, 7000 lbs 10'-0" X 10'-0" X 12' Comments Probill No. Charge Description Charges P044466 TRANSPORT CHARGE \$17,260.00 Sub-Total \$17,260.00 Amount Due in CAD Funds \$17,260.00